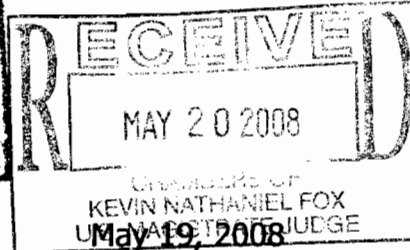
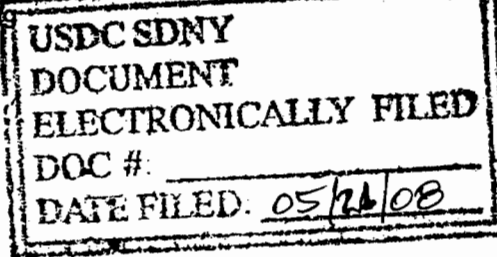


NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
733 YONKERS AVENUE
YONKERS, NEW YORK 10704

FAX (914) 375-0699

I. SCOTT EDELSTEIN
ROBERT H. LEVENTHAL
PETER A. LUBELL
EUGENE S. REISMAN
SOL M. WASSERMAN
EDWARD FRIEDMAN
PETER A. LIFSON
RAMONA L. GOODMAN
LAWRENCE T. SCHIRO
CRAIG D. ZIM
CHARLES D. WASSERMAN



(914) 375-0100

MATTHEW L. GORDON
PATRICIA A. FRIEDRICH
PAUL T. FINKELSTEIN
STEVEN M. LESH
STEPHEN I. WOHLBERG
MORTON M. GOLDBERG
W. GYONGYI GULYAS
RICHARD CALABRESE
GREGORY BOUGOPOULOS

WRITER'S EXT. 248

Via Overnight
Honorable Kevin Nathaniel Fox
United States Magistrate Judge, SDNY
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re:

1. Mark Kapiti v. Raymond W. Kelley, et al, 07 Civ. 3782 (RMB) (KNF)
2. Mark Kapiti v. Honda Financial Services

VIN: 2HNYD18666H516660

Vehicle: 2006 Acura MDX

Your Honor;

This office represented Mark Kapiti in Action #2 above. Pursuant to a subpoena from defendant's counsel and a Court Order dated 1/17/08, I provided defendant's counsel with a copy of my legal file regarding my representation of Mark Kapiti. I have now received a second subpoena from defendant's counsel to testify at a deposition regarding my representation of Mark Kapiti. Once again I object to same as it seeks testimony protected under the attorney-client privilege.

Accordingly, I am caught between the proverbial "rock and a hard place" with regard to giving testimony concerning my former client Mr. Kapiti and the attorney-client privilege on one hand, and defendant's subpoena on the other.

I respectfully await direction from the court regarding this matter.

5/20/08

See Fed. R. Civ. P. 45 and
proceed accordingly.

SO ORDERED:

Kevin Nathaniel Fox, U.S.M.J.

Yours,

Stephen I. Wohlberg

cc: Philip S. Frank, Esq. (for Defendant) Fax 212-788-9776
Steven L. Kessler, Esq. (for Plaintiff) Fax 212-297-0777

SIW/bms